

EXHIBIT “Q”

Fill in this information to identify the case:

Debtor 1 Blue Diamond Air Systems, Inc.
Debtor 2 _____
(Spouse, if filing) _____
United States Bankruptcy Court Eastern District of New York
Case number: 22-72698

FILED
U.S. Bankruptcy Court
Eastern District of New York
6/15/2023
Robert A. Gavin, Clerk

Official Form 410
Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Stephen DiMeglio</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>Stephen DiMeglio</u> Name c/o RMF PC, Attn: Adam Silvers 1425 RXR Plaza East Tower, 15th Floor Uniondale, NY 11556 Contact phone <u>516-663-6600</u> Contact email <u>asilvers@rmfpc.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim?	\$ <u>unknown</u> <div style="float: right; text-align: right;"> Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). </div>
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as healthcare information. <div style="text-align: center;">See Rider</div>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) <div style="display: flex; justify-content: space-between;"> <div>Value of property:</div> <div>\$ _____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Amount of the claim that is secured:</div> <div>\$ _____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Amount of the claim that is unsecured:</div> <div>\$ _____</div> </div> <div style="text-align: right; font-size: small;">(The sum of the secured and unsecured amounts should match the amount in line 7.)</div> <div style="display: flex; justify-content: space-between;"> <div>Amount necessary to cure any default as of the date of the petition:</div> <div>\$ _____</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Annual Interest Rate (when case was filed)</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Fixed</div> <div><input type="checkbox"/> Variable</div> </div>
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply:</i>	<p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____</p> <p><input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies \$ _____</p>	Amount entitled to priority
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* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</p> <p>A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.</p>	<p>Check the appropriate box:</p> <p><input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's attorney or authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004. <input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>6/15/2023</u> MM / DD / YYYY</p> <p><u>/s/ Stephen DiMeglio</u></p> <p>Signature _____</p> <p>Print the name of the person who is completing and signing this claim:</p> <table style="width: 100%;"> <tr> <td style="width: 20%;">Name</td> <td colspan="3"><u>Stephen DiMeglio</u></td> </tr> <tr> <td></td> <td style="width: 20%;">First name</td> <td style="width: 20%;">Middle name</td> <td style="width: 40%;">Last name</td> </tr> <tr> <td>Title</td> <td colspan="3">_____</td> </tr> <tr> <td>Company</td> <td colspan="3">_____</td> </tr> <tr> <td rowspan="3">Address</td> <td colspan="3">Identify the corporate servicer as the company if the authorized agent is a servicer</td> </tr> <tr> <td colspan="3"><u>755 Harbor Lane</u></td> </tr> <tr> <td colspan="3">Number Street</td> </tr> <tr> <td></td> <td colspan="3"><u>Cutchogue, NY 11935</u></td> </tr> <tr> <td></td> <td colspan="3">City State ZIP Code</td> </tr> <tr> <td>Contact phone</td> <td><u>516-523-4791</u></td> <td>Email</td> <td><u>sdimeglio631@yahoo.com</u></td> </tr> </table>	Name	<u>Stephen DiMeglio</u>				First name	Middle name	Last name	Title	_____			Company	_____			Address	Identify the corporate servicer as the company if the authorized agent is a servicer			<u>755 Harbor Lane</u>			Number Street				<u>Cutchogue, NY 11935</u>				City State ZIP Code			Contact phone	<u>516-523-4791</u>	Email	<u>sdimeglio631@yahoo.com</u>
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(516) 663-6600

Attorneys for Stephen DiMeglio

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BLUE DIAMOND AIR SYSTEMS, INC.,

Case No. 22-72698 (AST)

Debtor.

-----X

RIDER TO PROOF OF CLAIM FILED BY STEPHEN DIMEGLIO

1. Basis for Claim

- a. This proof of claim (the “**Proof of Claim**”) is asserted by Stephen DiMeglio (the “**Claimant**”) against Blue Diamond Air Systems, Inc. (the “**Debtor**”), in the above-captioned chapter 7 case (the “**Bankruptcy Case**”).
- b. This Proof of Claim arises from amounts owed to Claimant under that certain Consulting Agreement (the “**Consulting Agreement**”) by and among Claimant, Blue Diamond Sheet Metal, Inc., Diam-N-Blue Mechanical Corp. and Mirage Mechanical Systems, Inc., each a New York corporation, and Blue Station Realty LLC, a New York limited liability company (collectively, the “**Companies**”).

2. Background.

- a. Claimant was a shareholder in and member of each of the Companies.
- b. Under the Consulting Agreement, Claimant served as a consultant on a non-exclusive basis to provide certain consulting services to the Companies. In

consideration for those consulting services, Claimant was supposed to receive forty-two (42) monthly payments in the amount of \$3,683.33 on the fifteenth (15th) day of every month for forty-two (42) months. The Companies agreed to be jointly and severally liable under the Consulting Agreement for the monthly payments due to Claimant.

- c. Upon information and believe, the Debtor is the result of a merger between one or more of the Companies and, therefore, is jointly and severally liable for any amounts owed to Claimant under the Consulting Agreement.
- d. On October 4, 2022 (the "Petition Date") the Debtor filed a voluntary petition for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code").
- e. On February 10, 2023, the Court entered and Order (ECF Doc. No. 140) granting a motion to convert the Debtor's case to one under chapter 7 of the Bankruptcy Code.

3. Amount of Claim.

- a. As of the Petition Date, Claimant is owed a general unsecured claim in the amount of not less than \$81,033.26 for twenty-two (22) unpaid monthly payments due under the Consulting Agreement.
- b. Claimant reserves its right to amend this Proof of Claim to assert additional claims it may hold, and to assert a different classification or amount of the Proof of Claim.

4. Classification of Claim.

The Proof of Claim is asserted as a general unsecured claim. Claimant reserves the right to amend this Proof of Claim to assert a different or additional classification of claims, as well as claims against different or additional debtors.

5. Credits and Setoffs.

As of the date of this Proof of Claim, Claimant has not received any payments to reduce the amount set forth herein.

6. Supporting Documents.

The documents supporting the Proof of Claim can be provided upon request to the chapter 7 trustee and his retained professionals to the extent the trustee does not already have them in his possession.

7. Reservation of Rights.

Claimant reserves the right to amend or supplement this Proof of Claim to reflect any additional claims against the Debtor or any of its debtor or non-debtor affiliates, to specify interest, costs, expenses, or other charges or claims incurred by Claimant and to file additional claims which may be based on the same or additional documents.

8. No Waiver.

This Proof of Claim is filed to protect Claimant from forfeiture of the Proof of Claim. The filing of this Proof of Claim is not: (a) a waiver or release of Claimant's rights against any person, entity, or property including but not limited to the Debtor or its debtor or non-debtor affiliates; (b) a consent by Claimant to the jurisdiction of the United States Bankruptcy Court for the Eastern District of New York with respect to the subject matter of the Proof of Claim or any objection or other proceeding commenced in the Debtor's chapter 7 case against or otherwise involving Claimant; (c) a waiver of the right to move to withdraw the reference or otherwise to challenge the jurisdiction of the Bankruptcy Court; (d) an election of remedy; (e) a waiver of any rights or claims Claimant has against the Debtor or any of its debtor or non-debtor affiliates or any person or entity with respect

to any pending or future litigation or to any matters related to such litigation; or (f) a waiver of past, present, or future defaults or events of default.

9. Notices.

All notices to Claimant should be sent to:

Ruskin Moscou Faltischek, PC
1425 RXR Plaza
East Tower, 15th Floor
Uniondale, NY 11556-1425
Attn: Adam Silvers
asilvers@rmfpc.com